

Congress of the United States
Washington, DC 20515

Even Heroes Need Help
Co-sponsor the David Jayne Medicare Homebound Modernization Act

October 31, 2003

Dear Colleague:

We are introducing legislation to reform a provision in the Medicare statute in a way that will result in a significant improvement in the quality of life of severely and permanently disabled Medicare beneficiaries who receive health services in their homes due to serious medical conditions that make departures outside the home extremely difficult.

Our bi-partisan legislation is supported by former Senator Bob Dole, who is honorary chairman of the National Coalition to Amend the Homebound Restriction. This non-profit organization was created by David Jayne, a courageous man from Georgia who has a long-term disability. Last summer, Senator Dole wrote an op-ed in *The Washington Post* in support of amending Medicare's homebound definition in the manner prescribed by our bill. A copy of Senator Dole's op-ed is printed on the back of this sheet.

Our legislation is needed to eliminate an unintended consequence of Medicare's outdated homebound definition, which has effectively imprisoned chronically disabled Medicare patients in their homes. Under current Medicare law, home health care beneficiaries can lose their benefits if their absences from the home are more than "infrequent or of short duration." The only exceptions are for trips to adult day care or religious services.

Medicare restricts the length, frequency and purpose of trips outside the home to prevent fraud – homebound patients receiving nursing services in the home should be genuinely "confined to the home." This restriction may prevent individuals with short-term disabilities from gaming the system until their condition improves. However, Medicare patients with long-term, irreversible conditions such as late-stage Alzheimer's Disease also are subject to these restrictions, even though their illnesses prevent them from ever being able to care for themselves without the type of services provided by Medicare's home health program.

Our legislation simply lifts restrictions on departures from the home for Medicare patients who:

- Have a medical diagnosis that a physician has certified is permanent, severe and will not improve
- Require assistance to perform at least 3 out of 5 activities of daily living, such as eating, dressing and bathing, for the rest of their lives

- Require 1 or more home health services to achieve a functional condition that enables the patient the ability to leave home, such as occupational therapy or physical therapy
- Require technological assistance or the assistance of another person to leave the home

We encourage you to join members of both parties in supporting the David Jayne Medicare Homebound Modernization Act. If you have questions or would like to co-sponsor this important legislation, please have a member of your staff contact Mark Bayer with Rep. Markey's office (5-2836) or Nick Manetto with Rep. Smith's office (5-3765).

Sincerely,

Edward J. Markey

Christopher H. Smith